

1829.

 U. States
 v.
 Lancaster.

(PRACTICE.)

The UNITED STATES v. LANCASTER.

The District Judge cannot sit in the Circuit Court in a cause brought by writ of error from the District to the Circuit Court, and the cause cannot in such a case be brought from the Circuit to this Court upon a certificate of a division of opinion of the judges.

ERROR to the Circuit Court of Pennsylvania.

This was an action of debt originally brought in the District Court, and carried by writ of error to the Circuit Court, from which it was brought to this Court, upon a case agreed by the parties, and a certificate that the opinions of the judges were opposed upon a question arising in the cause.


March 10th. The cause was argued by Mr. *C. J. Ingersoll*, for the plaintiffs, and by Mr. *Sergeant*, for the defendant.

March 17th. Mr. Chief Justice MARSHALL delivered the opinion of the Court, that it had no jurisdiction of the cause, as the District Judge could not sit in the Circuit Court on a writ of error from his own decision, and consequently there could be no division of opinion to be certified to this Court.^a

^a Neither can a cause be brought to this Court by writ of error, which has been carried from the District to the Circuit Court by writ of error. *The United States v. Barker, Ante, Vol. II. p. 395.*

JUDGMENT. This cause came on to be heard on the transcript of the record of the Circuit Court for the District of Pennsylvania, and was argued by counsel. On consideration whereof, it was ADJUDGED and ORDERED, that the said cause be remanded to the said Circuit Court, it not appearing from the said transcript that this Court has jurisdiction in said cause.

1820.



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